IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 12TH JULY, 2007/21ST ASHADHA, 1929

WP(C).No. 21481 of 2007(G)

AGAINST THE ORDER IN IA 680/07 IN
OS.75/2007 of SUB COURT, CHERTHALA

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PETITIONER:

M/S HINDUSTAN LEVER LIMITED, 165-166,
BACK BAY RECLAMATION, MUMBAI.
HAVING REGIONAL OFFICE AT NO.101, SANTHOME HIGH
ROAD-CHENNAI AND FACTORY AT KUTHIATHODE,THURAVOOR,
ALAPPUZHA-KERALA, REPRESENTED BY ITS LAW OFFICER,
JIKKU GEORGE JACOB.

BY ADV. SRI.V.L.SHENOY
SRI.L.JAYAWANTH

RESPONDENTS:

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1. CLASSIQUE CONSTRUCTIONS,
REPRESENTED BY ITS PROPRIETOR P.H.THOMAS THARAKAN,
XX/358, EZHUPUNNA, ALAPPUZHA.

2. THE SUB REGISTRAR,
SUB-REGISTRAR OFFICE,KUTHIATHODE,
CHERTHALA.

3. THE VILLAGE OFFICER,
KUTHIATHODE VILLAGE, KUTHIATHODE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.21481 OF 2007

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Dated this the 12th day of July, 2007

JUDGMENT

This writ petition is filed challenging the order of the Sub Court, Cherthala in I.A.No.680 of 2007 in O.S.No.75 of 2007. The suit is one for realisation of the amount and along with an application for attachment of the property has been made. The court below passed an order holding that it is satisfied that respondents 1 to 3 are trying to alienate the property as alleged and therefore issued notice to respondents 1 to 3 to furnish security for Rs.4 lakhs or to show cause within 15 days and in the meantime ordered conditional attachment of the plaint schedule property and posted the case for return of notice on 3.8.2007.

2. Learned counsel for the petitioner submits that the defendant company is a well established reputed company and it has never the intention to dispose of the property and further the order passed by the learned Sub Judge is not in compliance with Order 38 Rule 5 C.P.C.. I feel that the learned Sub Judge should bestow her best attention after hearing the objections filed by the writ petitioner to see whether such an order of

attachment will lie. I may also like to point out that the order of attachment is not a matter which has to be passed on a routine course because it affects the prestige of a person. The court should act only on valid materials before passing an order of attachment. Any how an order of attachment is passed and the course left is to direct the court to take up the attachment application as expeditiously as possible and dispose of the matter within a time frame of 15 days from today. Ordered accordingly. I make it clear that the writ petitioner must be permitted to file detailed objection with a copy to the other side and the court shall hear and dispose of the matter within 15 days from today and the court is directed to advance the hearing date from 3.8.2007.

Writ petition is disposed of as above

M.N.KRISHNAN, JUDGE

Cdp/-